

February 10, 2006

Via Electronic Filing

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Shared Use of the 2496-2500 MHz Band Between Industrial, Scientific and Medical ("ISM") Devices and Broadband Radio Service ("BRS"); IB Docket No. 02-364 and ET Docket No. 00-258; WRITTEN EX PARTE COMMUNICATION of the Association of Home Appliance Manufacturers ("AHAM")

Dear Ms. Dortch:

Pursuant to the provisions of Section 1.1206 of the rules of the Federal Communications Commission ("FCC" or "Commission"), AHAM submits this correspondence for inclusion in the record of the above referenced proceedings. In particular, AHAM provides this letter in response to the January 27, 2006 and January 30, 2006 *ex parte* letters submitted to the FCC by Nokia, Inc. ("Nokia") and Lucent Technologies ("Lucent"), respectively. After remaining silent on this matter for well over one year, Nokia and Lucent, presumably at the urging of Motorola, Inc. ("Motorola"), now argue that the FCC should limit emissions from microwave ovens and other industrial, scientific and medical ("ISM") devices in the band 2496-2500 MHz in order to protect future Broadband Radio Service ("BRS") use of the band. As discussed more fully below, Nokia and Lucent continue to rely on information already discredited by AHAM in its previous letters to the FCC and make no attempt to address AHAM's earlier correspondence. Therefore, the FCC should disregard the Nokia and Lucent letters and retain in place the current regulations governing the use of the band 2400-2500 MHz by ISM devices in general and microwave ovens in particular.

Both Nokia's and Lucent's concerns rest on the unsupportable assertion that there are no emission limits for ISM devices and that the lack of limits will allow microwave ovens to emit harmful levels of RF energy. As AHAM has pointed out often (and no party has addressed) merely because there are no in-band emission limits does not mean there are no emission limits at all. The internationally accepted method of controlling interference from ISM devices is through the use of out-of-band limits. Those out of band limits operate as a limit on the RF energy that microwave ovens can emit.

Moreover, both Nokia and Lucent continue to cite to the nearly twelve (12) year old study conducted by the National Telecommunications and Information Administration ("NTIA") to support their contentions (which, in turn, are borrowed from Motorola, Sprint Nextel and the Wireless Communications Association) that significant separation is required between

microwave ovens and BRS devices. AHAM has demonstrated, on several occasions, the significant deficiencies in the NTIA study. Nokia and Lucent fail to address those demonstrated deficiencies. Therefore, their reliance on the NTIA study, and the conclusions that Motorola, Sprint Nextel and WCA draw from the NITA study, is without merit.

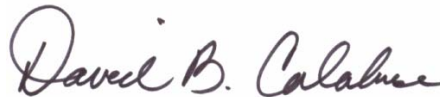
In addition to their failure to address, in any way, AHAM's proof of the fact that the study on which they rely is flawed, Nokia and Lucent fail to reconcile the inherent consistency in their position. On the one hand, Nokia and Lucent argue (as did Motorola, Sprint Nextel and WCA) that, based on the NTIA study, significant separation distance is required between microwave oven and BRS devices. On the other hand, Nokia and Lucent assert that "many of today's microwave ovens meet Part 18 limits and would not face additional cost from the extension of Part 18 limits to 2496-2500 MHz." If the devices meet the test proposed by Nokia and Lucent they presumably do not require the significant separation distances that Nokia and Lucent allege are required.

Finally, Nokia and Lucent fail to address, as Motorola, Sprint Nextel and WCA have failed to address, the fact that there are approximately 115 million microwave ovens in operation today, which will continue to be in operation on the average for more than ten (10) years from the time the FCC changes its rules. No party has suggested that consumers be required to surrender their existing microwave ovens. Therefore, BRS devices manufacturers will be required to address what they believe to be interference from microwave ovens for more than a decade in any case. Nokia and Lucent fail to address why the measures that they will certainly be required to take today to address perceived interference will not be sufficient in the future (particularly in light of the years of experience they will gain during the time that BRS devices co-exist with microwave ovens).

Based on the foregoing, AHAM continues to urge the FCC to reject the petitions for reconsideration of the decision in these proceedings and retain the regulatory scheme, used on a world-wide basis, for the band 2400-2500 MHz.

If there are any questions regarding this matter, please contact the undersigned directly.

Sincerely,

A handwritten signature in dark ink, reading "David B. Calabrese". The signature is fluid and cursive, with the first name "David" and last name "Calabrese" clearly legible.

David B. Calabrese
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